

Caperton v. A.T. Massey Coal Co., 129 S.Ct. 2252 (2009)

Argued March 3, 2009

Decided June 8, 2009

FACTS: This case involves the situation where a large corporation with a significant judgment against it for unlawful trade practices appealed the judgment to the state's supreme court after it had made a \$3 million contribution to one of the justice's campaign.

Justice Brent Benjamin was elected to the West Virginia Supreme Court of Appeals in November 2004. Donald Blankenship, the CEO of A.T. Massey Coal Co., spent over \$3 million on the campaign to defeat Justice Benjamin's opponent. Blankenship's contributions amounted to more than 60% of all spending in support of Justice Benjamin's candidacy. Justice Benjamin won a seat on the Court with 53.3% of the vote after a notably contentious campaign.

In 2002, prior to Blankenship's judicial campaign involvement, Hugh Caperton, head of Harman Mining Corp, had sued Massey Coal. Caperton claimed his company was driven out of business through Massey Coal's unlawful business practices. Caperton won \$50 million in damages at trial. Massey Coal appealed the case to West Virginia Supreme Court of Appeals in 2006—*after* Justice Benjamin had taken his seat on the bench. Justice Benjamin did not recuse (remove) himself from hearing the appeal, despite several requests both before and after the appeal was filed. The West Virginia Supreme Court ruled 3-2 in Massey's favor, with Justice Benjamin in the majority. The dissenting justices argued that Benjamin should have recused himself because of the appearance of bias in the case. In his opinion, Justice Benjamin said there was no proof of "actual" bias, and said that a judge should not recuse himself on the appearance of bias alone.

Caperton appealed his case to the US Supreme Court, arguing that the decision favoring Massey Coal should be struck down because Justice Benjamin should have withdrawn from hearing the case. With judicial campaign contributions on the rise, the issue of bias among elected judges—and the possibility of the public's loss of trust in the judicial system—is an important one.

ISSUE: Does the US Constitution require a state justice to recuse (remove) himself from a case where one of the parties made large financial contributions to the justice's campaign?

ARGUMENTS FOR CAPERTON: The Due Process Clause of the 14th Amendment ensures that no state shall "deprive any person of life, liberty, or property, without due process of law." A fair trial by an impartial judge is a right protected under the Due Process Clause.

Caperton argued that those hearing his appeal must be fair and impartial, free from any bias and that judges should recuse themselves when there is a "possibility of bias." The large \$3 million dollar campaign contribution, constituting 60% of total donations, coming right before the appeal was taken, creates this probability of bias. Proof of "actual" bias will often be difficult to establish.

ARGUMENTS FOR MASSEY COAL: Massey Coal replied that there was no showing of “actual bias”, and that this should be the standard to require recusal. It argued Caperton’s proposed standard of possibility of bias would be too broad and unworkable and that judges should be presumed to be impartial unless there is evidence to the contrary. Massey claimed just because its CEO worked to defeat Benjamin’s opponent does not mean Benjamin would be biased toward Massey. It argued campaign support does not always create a possibility of bias requiring recusal. Massey asserted Benjamin had no direct financial interests at stake in the case.

DECISION: In a 5-4 decision, the Supreme Court ruled Justice Benjamin should have recused himself. The Court did not decide whether or not actual bias existed, as they determined that actual bias was too difficult to prove. Instead, the Court adopted a “probability of bias” standard, ruling that a judge should recuse himself if the failure to recuse would create a serious risk of actual bias that would threaten due process.

The majority determined that judges need not withdraw every time an attorney who donated to their campaigns appears before them. However, that fact that Blankenship donated \$3 million, which amounted to more than 60% of the total funds Justice Benjamin raised, makes this an exceptional circumstance. This donation created a “significant and disproportionate” impact on the outcome of the election, and it created a probability of bias that threatened due process.

The timing of the donation also disturbed the Court. At the time Blankenship donated such a significant amount to Benjamin’s campaign, his lawsuit was already pending; therefore he knew that whoever won the election would decide his case. The Court stated that such maneuvers come very close to judge-selection, an idea that undermines the foundation of the legal system.

CONCLUSION

The right to basic fairness from the judicial system is a cornerstone of our democracy. While the judicial branch has a reputation of being isolated from politics, in reality, elected judges are impacted by the political process.

In the Caperton decision, the Supreme Court established a new standard for reviewing when judges should recuse themselves after receiving large campaign contributions from a party with a case before them. The amount and timing of the contribution are significant factors that can lead to an unfair “probability of bias,” in violation of the 14th Amendment.